

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) No. 2:13-CR-76
)
JASON ROSSITER,)
)
Defendant.)

OPINION AND ORDER

This matter is before the Court on the Amended Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. 3582(c)(2) and Guideline Amendment 782, filed by Jason Rossiter on March 9, 2015. (DE # 22). For the reasons set forth below, Defendant's request for a sentencing modification is **DENIED**.

Defendant, Jason Rossiter, pled guilty to a violation of Title 18 U.S.C. section 1952. The charge to which Rossiter pled guilty provides for a maximum sentence of five years of imprisonment. Jason Rossiter's guideline range would have been 235-293 months, but he received a sentence of only 60 months because it was the maximum term of imprisonment available under the statute. Upon receiving the instant request, this Court directed the United States Probation Office to provide the Court with a copy of Defendant's original Presentence Report (PSR) (with any addenda, previous updates and/or supplements), along with a current

supplement addressing the impact of Amendment 782 upon Defendant's sentence. (See DE #24.) The Probation Office filed the sentencing reduction addendum (DE #25) indicating Defendant is not entitled to a reduction of sentence because, absent the statutory maximum, his guideline range even after the amendment is applied would be 188-235 months.

In sum, the maximum term of imprisonment permitted by 18 U.S.C. section 3582(c)(2) dictates a sentence far lower than the Guideline range that would otherwise result, even with the amendment. Accordingly, Defendant is not eligible for a reduction under § 3582(c)(2), pursuant to Amendment 782 of the United States Sentencing Guidelines.

DATED: June 10, 2015

**/s/RUDY LOZANO, Judge
United States District Court**